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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,983	03/08/2002	Andre Georges Cook	DN1999227USA	4851

7590                  04/29/2004

The Goodyear Tire & Rubber Company  
Patent & Trademark Department D 823  
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EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 04/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/070,983	COOK ET AL.	
	Examiner Patrick F. Brinson	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) 4-14 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____</li> </ol> | <ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____</li> </ol> |
|---|--|

## DETAILED ACTION

### *Claim Objections*

1. Claim 2 is objected to because of the following informalities: Claim 2 recites the imprinted indent extending through the soft cuff, however, the specification discloses the indent merely provided on the surface of the soft cuff. Appropriate correction is required.
2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 14 been renumbered 15. Original claim 9 was not included in the section labeled "Amendment to the Claims", therefore, original claim 10 was incorrectly numbered "9" and so forth, thereby making new claim 15 appear as new claim 14. The rejection includes new claim 15.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,938,587 to **Taylor et al.** in view of U.S. 5,899,237 to **Akedo et al.** The patent to **Taylor et al.** discloses a flexible tube, figs. 5A-5C, including a flexible material (506, 508) and a reinforcing rod (522) positioned externally of the outermost portion of the flexible material, with the flexible material formed with a terminal end (516). The reinforcing rod having at least one terminal end being located short of the terminal end of the flexible material thus forming a soft cuff (504). The hose further includes an imprinted indent, shown in figs. 5A and 5B on the soft cuff, as recited in claim 2. **Taylor et al.** does not disclose the flexible material comprising multiple layers nor the reinforcing rod being bonded to the flexible material. The patent to **Akedo et al.** discloses a flexible hose including a flexible material (2) comprised of multiple layers and a spiral reinforcement (4) that is bonded to the flexible material by means of thermal fusion. **Akedo et al.** also discloses the maximum outer diameter of

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the hose being created by the reinforcing rod. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hose of **Taylor et al.** to include a flexible material of multiple layers, bonding the reinforcing rod to the flexible material, and to modify the reinforcing rods such that maximum outer diameter is created by the rods all as suggested by **Akedo et al.** in order to produce a strong, flexible hose having secured reinforcing rod thereon that provides a flexible soft cuffed end portion and provides wear resistance to the flexible material. As to the recited structure in claim 3, **Taylor et al.**, does not disclose the indent wound at a pitch greater than the pitch of the reinforcing rod. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to form the indent of **Taylor et al** at a pitch greater than the pitch of the reinforcing rod because Applicant has not disclosed that this feature provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the pitch of the indent being the same pitch of the reinforcing rod. Therefore, it would have been an obvious matter of design choice to modify the **Taylor et al.**, to obtain the invention as specified in claim 3.

***Response to Amendment***

4. Applicant argues that the French reference '950 does not disclose each and every element of the claimed invention. It is the position of the examiner that Applicant is correct, therefore, the previous rejection has been withdrawn and a second non-final action has been made. As discussed in the preceding paragraph, **Taylor et al.** discloses the invention of claim 1 with the exception of the flexible material being multi-layered and the reinforcing rod being bonded to the flexible material. The patent to **Akedo et al.** discloses that it is known in the art to provide flexible multi-layered tubes with reinforcement rods that are bonded thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrick F. Brinson  
Primary Examiner  
Art Unit 3752

P. F. Brinson  
April 27, 2004